



Government Circular No. 64/83
G.O. Reference No. 080.4(1)

IMMIGRATION

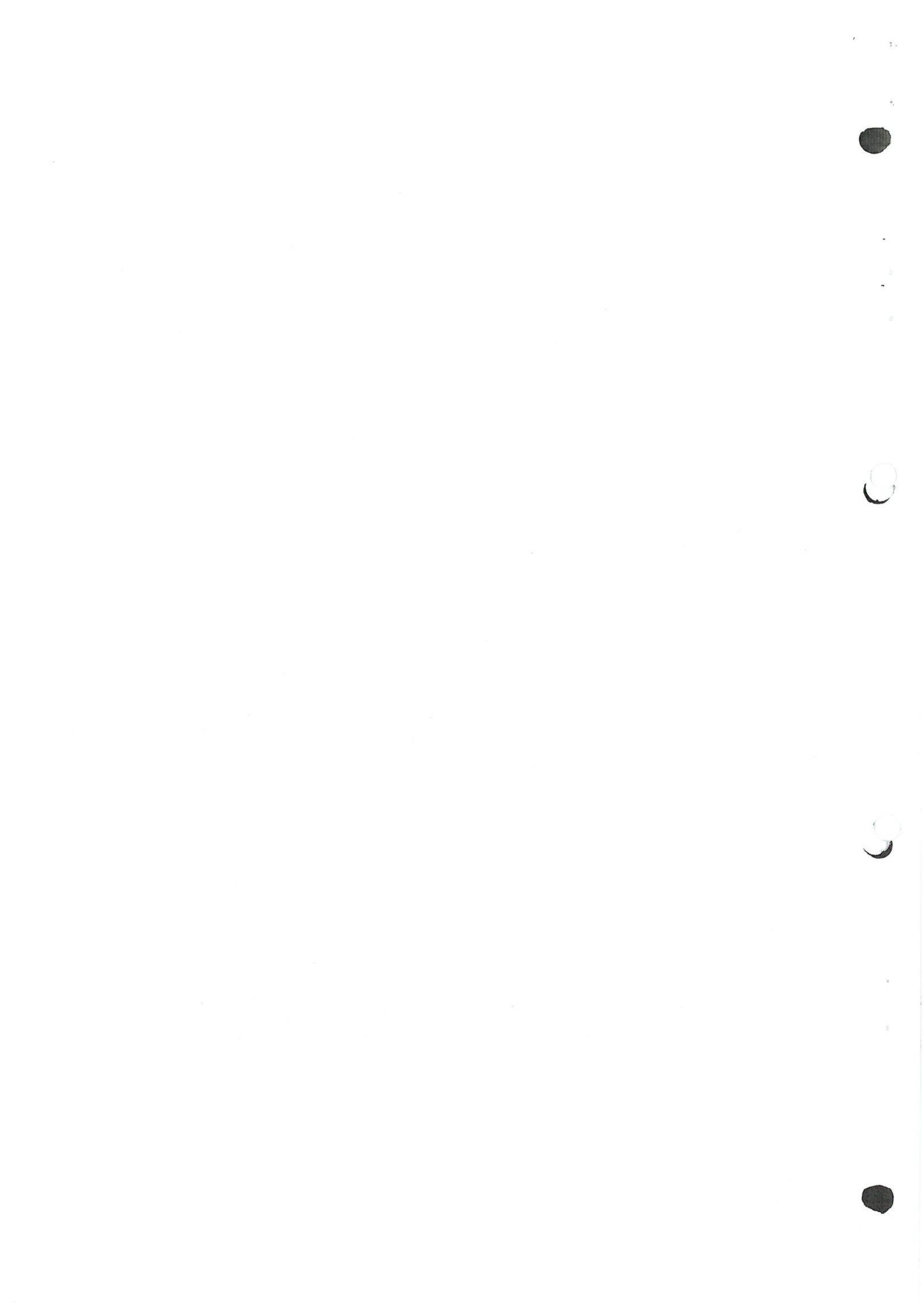
THE IMMIGRATION (EXEMPTION FROM CONTROL) (ISLE OF MAN)
(AMENDMENT) ORDER 1983

The above-named Order, a copy of which is attached, was made by His Excellency the Lieutenant Governor on 24th March, 1983 and will be laid before Tynwald at the May 1983 sitting of the Court. The Order, which came into operation on 24th March, 1983, is subject to annulment by Resolution of Tynwald.

The Order amends the Immigration (Exemption from Control) (Isle of Man) Order 1972 by providing that certain persons to whom children are born in the United Kingdom or Islands after commencement of the British Nationality Act 1981 may be regarded as settled there at the time of the birth notwithstanding that they are entitled to an exemption by virtue of the 1972 Order. This is made necessary because section 50(3) of the Act prescribes that a person is not to be regarded as settled at any time when he was entitled to an exemption, unless the Order conferring the exemption provides otherwise.

Other minor amendments to the 1972 Order have been made necessary following the coming into effect of the 1981 Act. In particular, references to persons who are not patrial are replaced by references to persons who are not British citizens.

Government Secretary





IMMIGRATION

THE IMMIGRATION (EXEMPTION FROM CONTROL) (ISLE OF MAN) (AMENDMENT) ORDER 1983

In exercise of the powers conferred on the Lieutenant Governor by section 8(2) and (5A) of the Immigration Act 1971(a) (an Act of Parliament), as extended to the Isle of Man by the Immigration (Isle of Man) Order 1972(b), an Order in Council, and all other powers enabling him in that behalf, the following Order is hereby made:-

Citation and Commencement

1. This Order may be cited as the Immigration (Exemption from Control) (Isle of Man) (Amendment) Order 1983 and shall come into operation on 24th March, 1983.

Amendment of G.C. No. 112/72

2. In the Immigration (Exemption from Control) (Isle of Man) Order 1972(c), in Article 3 and Article 4(1) (twice) for the word "patrial" there shall be substituted in each case the words "British citizens".
3. In the said Order of 1972, in Article 4(1)(a) for the words "any citizen of the United Kingdom and Colonies" there shall be substituted the words "any British Dependent Territories citizen or British Overseas citizen".
4. In the said Order of 1972, in Article 4(3) -
- (a) after the word "citizen" there shall be inserted the words "means a person who has the status of a Commonwealth citizen under the British Nationality Act 1981, of Parliament and";
- (b) after the word "person" there shall be inserted the words "within the meaning of that Act,";
- (c) after the word "Parliament)" there shall be inserted the words "or under those regulations as they have effect in the Island by virtue of an Order made under section 63 of the Merchant Shipping (Masters and Seamen) Act 1979".

(a) 1971 c. 77; section 8(2) was amended by the British Nationality Act 1981 (of Parliament) (c. 61), Schedule 4 paragraph 2; and subsection (5A) of section 8 was inserted by section 39(4) of that Act.

(b) S.I. 1972/1720, as amended by S.I. 1980/399 and S.I. 1982/1835.

(c) G.C. No. 112/72, as amended by G.C. 63/79.

5. In the said Order of 1972, after Article 4 there shall be inserted the following Article:-

"5. (1) For the purposes of section 1(1) of the British Nationality Act 1981 of Parliament (d) (which relates to acquisition of British citizenship by birth in the United Kingdom), a person to whom a child is born in the United Kingdom on or after 1st January 1983 is to be regarded (notwithstanding the preceding provisions of this Order) as settled in the United Kingdom at the time of the birth if -

- (a) he would fall to be so regarded but for his being at that time entitled to an exemption by virtue of this Order; and
- (b) immediately before he became entitled to that exemption he was settled in the United Kingdom; and
- (c) he was ordinarily resident in the United Kingdom from the time when he became entitled to that exemption to the time of the birth;

but this Article shall not apply if at the time of the birth the child's father or mother is a person on whom any immunity from jurisdiction is conferred by or under the Diplomatic Privileges Act 1964 of Parliament (e).

(2) Expressions used in this Article shall be construed in accordance with section 50 of the British Nationality Act 1981 of Parliament."

GIVEN under my hand this 24th day of March, 1983.


Lieutenant Governor

(d) 1981 c.61

(e) 1964 c. 81